

Remarks

Claims 1-6, 10-11 are pending. As a result of this amendment, claims 6 and 11 have been amended. Claims 7-9 have been canceled. No new matter has been entered into this application by way of amendment.

Claims 6-9 have been rejected under 35 USC 112, first paragraph. This rejection is traversed in-part.

While not agreeing with the propriety of the rejection, and solely to advanced prosecution in the case, applicants have limited the claims to treating asthma.

Applicants would like to note that in the present Office Action, other than broad generalizations, no reasons have been provided by the Examiner based on sound scientific reasoning or acceptable evidence why one of ordinary skill in the art would doubt the asserted statement in the specification with respect to the use of the instant compounds to treat the claimed diseases. For example on page 8, it is stated by the Examiner that the data is not convincing on how to make and use the instant compounds. However, the Examiner has not stated why the chemistry on page 10-12 and examples starting on 24 are not enabling. Nor has the Examiner commented specifically on the activity assays on pages 12-13 regarding how to use the instant compounds. What has been proffered by the Office are all very general statements that are not evidence nor reasoning that the practice of the invention is not enabled in light of Applicants' specification. As such, the specification is assumed to be in compliance with the enablement requirement.

In view of the foregoing, withdrawal of the rejection is respectfully requested.

Claim 11 has been rejected under 35 USC 112, second paragraph.

While not agreeing with the propriety of the rejection, and solely to advanced prosecution in the case, applicants have amended the claims to delete the terms "suitable conditions" and "suitable solvent" and added conditions which find support on page 24 paragraph b) of

example 101-which conditions analogously may produce compounds of formula I-100 and A-126.

In view of the foregoing, withdrawal of the rejection is respectfully requested.

Respectfully submitted,

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